

**Town of Goshen Planning Board Meeting
Town Hall
41 Webster Avenue
Goshen, New York 10924**

May 3, 2018

Members Present:

Lee Bergus, Chairman
David Crawford
Phil Dropkin
Cynthia Hand
Frank Leva
Diana Lupinski
Giovanni Pirraglia

Also Present:

Kelly Naughton, Esq., PB Attorney
Sean Hoffman, PB Engineer

The Planning Board meeting was opened with the Pledge of Allegiance at 7:30 pm by Chairman Lee Bergus.

Approval of Minutes -

April 19, 2018 minutes were reviewed.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to approve the April 19, 2018 minutes as modified. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Possible Extension or Abandonment of Applications pursuant to Town Code -

Amy's Kitchen, Inc. and Science of the Soul – John O'Rourke, Lanc & Tully Engineering & Surveying, PC appeared before the Board for the applicant.

Let the record reflect Mr. Dropkin recused himself and left the dais.

Mr. O'Rourke gave an update to the Board and requested a six month extension. Mr. O'Rourke explained how the applicant was waiting specifically for the water taking permit from the City of Middletown.

Attorney Naughton informed the applicant that was the last extension permitted under the Town Code.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mr. Pirraglia, the Town of Goshen Planning Board moved to grant a six month extension to November 15, 2018 for applicant

Amy's Kitchen, Inc and Science of the Soul. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mrs. Hand	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye	Mr. Pirraglia	Aye

Let the record reflect Mr. Dropkin returned to the dais.

134 Jessup Switch Road Warehouse (aka Elias Muhlrud/17A Warehouse) – Postponed until next meeting as the Board did not receive the correspondence requesting the extension.

Peaceful Paws/Atlantic Fiber Optic Corp. -18-2-10: Application for amended site plan and special permit for a service business on 2.002 +/- acres on Quarry Road (County Route 68) in the Highway Commercial (HC) Zone with AQ-3 and Scenic Road Corridor overlays. Draft Resolution.

Brian Friedler, Lehman & Getz Consulting Engineers, PC appeared before the Board for applicant Peaceful Paws/Atlantic Fiber Optic Corp.

Attorney Naughton reviewed the draft resolution with the Board.

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mr. Pirraglia, the Town of Goshen Planning Board moved to accept the Amended Resolution of Conditional Approval Special Permit and Major Site Plan for Peaceful Paws/Atlantic Fiber Optic Corp. as modified. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

LEGOLAND- Merlin Entertainments Group/LEGOLAND New York – 11-1-46.2, 49.22, 49.23, 49.24 & 15-1-59.4: Application for phasing plan for a commercial recreational facility on 513.3 +/- acres (total holdings) along Harriman Drive, Arcadia Road and Conklingtown Road in the RU and HR Zones with AQ-3, Scenic Road Corridor, Floodplain & Ponding, Stream Corridor & Reservoir and Commercial Recreation overlays. Draft Resolution.

Let the record reflect that Mrs. Lupinski recused herself and left the dais.

Attorney Naughton reviewed the Draft Resolution with the Board.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to accept the Resolution of Approval with Conditions Phasing Plan for Merlin Entertainments Group Holdings US, Inc. (aka LEGOLAND New York) as modified. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye

Mr. Leva

Aye

Mr. Pirraglia

Aye

Let the record reflect that Mrs. Lupinski returned to the dais.

4390 Rt. 94, Inc. (aka Hillcrest Entertainment, Inc.) -20-1-26.212: Application for Clearing & Grading Permit for an earth berm on 21.89 +/- acres along NYS Route 94 and Durland Road in the CO Zone with AQ-3 and Floodplain & Ponding Area Overlays. Initial Presentation and Commence SEQRA.

Brian Friedler, Lehman & Getz Consulting Engineers, PC appeared before the Board for the applicant 4390 Rt. 94, Inc.. (aka Hillcrest Entertainment, Inc.). In summary, Mr. Friedler stated the applicant wants to build a berm at the southern end of his property to prevent excess storm water coming from his neighboring properties that is flooding the lower end of his property. He stated it would be approximately six feet high and run along the whole southern property line.

Mr. Hoffman commented on the project, stating it was 18 feet wide and 6 feet high maximum. Approximately a 41,000 square foot disturbance. He stated a DEC permit was required and a public hearing. He requested a topography of the plan. He suggested they show a plan on how the public would be protected while construction was ongoing. He stated the need for drainage computation and a study point of drainage. Mr. Hoffman also stated the applicant would need a performance guarantee as required by Town Code.

The Board reviewed the plans with Mr. Friedler.

Mr. Hoffman recommended that the floodplain be added to the plan.

Attorney Naughton stated that the applicant had several things to be submitted before proceeding. As far as SEQRA, this is an amended site plan and special permit and a clearing and grading permit. She further stated it was not ready for a public hearing at this time. The items discussed tonight had to be addressed in an Expanded Part 3.

Whereupon, there was a discussion on the Sandpiper.

Stewart's Shops, Corp. -12-1-8.3 & 61: Application for amended site plan for a proposed addition to the existing retail store on 1.436 +/- acres along NYS Route 17M and Maple Avenue (County Route 31) in the HC Zone with AQ-6 overlay. Initial Presentation and Commence SEQRA

Tyler Fronte appeared before the Board for the applicant Stewart's Shops, Corp. In summary he reviewed the plans for storage space, a cooling section, and LED upgrade on the canopy. His plans consisted of additional cooling space, relocating the bathroom, additional counter space, and no increase in employees.

Mr. Hoffman suggested the applicant submit a floorplan or statement of what is going to be in that cooling area.

Chairman Bergus stated it had to go back before the County Health Department for review of the

modifications to the force main and moving the pump station.

Mr. Hoffman stated in proceeding with the design as is, a public hearing would be required. Stated there were exterior improvements that needed to be made. In summary, a force main, grading, topography on this application, consolidation of two lots, a plan showing which lot line is going to be deleted, and a variance, if necessary. The applicant would also need approval from the health department and fire department. He further stated, if they intended to be open during construction, the Board would need to see a plan on how they're going to protect the public.

The Board reviewed the plans and asked questions of Mr. Fronte.

Attorney Naughton stated this was a Type 2 Action under SEQRA, no further environmental review necessary. Attorney Naughton informed applicant to submit all materials requested by May 17, before the close of business.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to hold a public hearing on June 7, 2018. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to adjourn the meeting. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Meeting Adjourned at 8:45 pm